

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing amendment, Claims 23-37 are pending in the present application, withdrawn Claims 14-22 being cancelled without prejudice or disclaimer, Applicants reserve the right to pursue these claims via one or more divisional applications. Claims 1-13 are canceled without prejudice or disclaimer. New Claims 23-37 are added to recite the features of canceled Claims 1-13 in a more acceptable form for U.S. practice. Thus, no new matter is added.

By way of summary, the outstanding Official Action presents the following issues: the specification has been objected to as to matters of form; Claim 1 stands rejected under 35 U.S.C. §112, second paragraph; Claims 1-13 have been objected to as reciting informalities; and Claims 1-13 stand rejected under 35 U.S.C. §103 as being unpatentable over Walker et al. (U.S. Patent 5,794,207, hereinafter Walker).

OBJECTIONS TO THE SPECIFICATION

In the Official Action at paragraph 3, the Abstract has been objected to as including an improper heading.

In response, Applicants submit herewith a new Abstract which is presented in a more acceptable form for U.S. practice. Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

REJECTIONS UNDER 35 U.S.C. §112/CLAIMS OBJECTIONS

The Official Action at paragraphs 3-15 includes various objections and rejections to the format of previously presented Claims 1-13.

In response, Applicants have canceled Claims 1-13 and have represented the subject matter of these claims as new Claims 23-37. In re-presenting this subject matter, Applicants have omitted many of the objectionable claim terms outlined in the Official Action.

With regard to paragraph 11 of the Official Action, Applicants wish to point out that patent claims are not software programs. As such, patent claims need not account for every possible permutation of a process, but simply claim the portion of the process that the Applicant wishes to secure for patent protection.

With regard to paragraph 13 of the Official Action, Applicants are confused as to the reasoning behind this rejection as the previously presented Claims 2-13 recited more narrow features with respect to their corresponding base claims.

Applicants respectfully submit that new Claims 23-37 are drafted in view of the rejections and objections outlined at paragraphs 3-15 with the above-noted exceptions.

REJECTIONS UNDER 35 U.S.C. §103

The Official Action has rejected Claims 1-13 under 35 U.S.C. §103 as being unpatentable over Walker. The Official Action contends that Walker describes or suggests all of the Applicants' claimed features.¹ Applicants respectfully traverse the rejection.

Applicants' new Claim 23 recites a payment system for controlling the continued use of a software program by a user, including:

a terminal configured to access software from a computer readable storage communicatively linked thereto, the software configured to generate an interface offering continued utilization of the software in exchange for payment from the user, the interface providing at least an identity of the software owner, offer parameters and the digital signature of the owner for at least part of the offer, and configured to generate a first message; ...(emphasis added)

¹ Applicants will treat this rejection as if applied to new Claims 23-37 for the purposes of advancing prosecution.

Walker describes a commercial network system designed to facilitate buyer driven conditional purchase offers. For example, as shown in Figure 1, a central controller (200) is provided for negotiating between a seller interface (300) and a buyer interface (400) as shown more specifically in Figure 5, conditional purchase offers (CPO) are created by a buyer by selecting specific goods, and providing purchase conditions, expiration date, price and buyer ID.² In this way, potential buyers and sellers of goods in accordance with specific CPOs, are matched up.

Conversely, in an exemplary embodiment of the Applicants' claimed advancements, a payment system is provided for controlling the continued use of a software program already accessible to a user. Specifically, software is configured to generate an interface offering continued utilization of the software in exchange for payment from the user of the software. As Walker is directed toward matching buyers and sellers based upon potential products and terms, it does not disclose or suggest any of the features of the Applicants' new claims.

Accordingly, Applicants respectfully submit that new Claims 23-37 are patentably distinguished over the art of record.

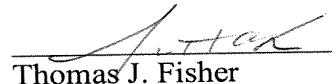
²See Walker at Figure 5; column 15, line 60 through column 16, line 11.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that Claims 23-37 are patentably distinguished over the prior art, definite, and in condition for allowance, and Applicants request indication of such at an early date.

Respectfully submitted,

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